Supreme Court, U.S.
FILED

No. (1)

93 2023 JUN 9 1994

OFFICE OF THE CLERK

In The Supreme Court Of The United States

OCTOBER TERM, 1993

MARGENE LORTON,
Plaintiff-Appellee,

v.

JIM WOODWARD,
Defendant-Appellant.

JIM WOODWARD,
Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, et al.,
Defendants-Appellees.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Pro se Petitioner

42 pp

QUESTIONS PRESENTED

1. Does our United States Constitution require the appointment of independent counsel for the child in the case of an alleged missing or exploited child?

2. Do appellees violate a citizens Constitutional rights, privileges or immunities when they use false or manipulated evidence to disable a victimized parent or facilitate an alleged international child abduction?

3. Does our United States Constitution require that our government discover, investigate and disclose the facts in a case involving the alleged covert "psychological blackmail" of judges by appellees' paid expert witness?

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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1993

MARGENE LORTON,
Plaintiff-Appellee,

v.

JIM WOODWARD,
Defendant-Appellant.

JIM WOODWARD,
Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE
OF CALIFORNIA, et al.,
Defendant-Appellees

Petition for Writ of Certiorari
To the United States Court of Appeals
For the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

The Petitioner, Jim Woodward, respectfully prays that a writ of certiorari issue to review the judgment

and opinion of the United States Court of Appeals for the Ninth Circuit regarding the Constitutional issues raised therein.

OPINION BELOW

The opinion of the United States Court of Appeals for the Ninth Circuit appears at Appendix ("App.") 1.

JURISDICTION

The United States Court of Appeals for the Ninth Circuit filed its opinion on March 11, 1994 (App. 1). This petition is filed within ninety (90) days of that Opinion. Jurisdiction of this Court is predicated on Rule 10 of the Rules of the Supreme Court of the United States, or a reasonable person interpretation of the United States Constitution.

CONSTITUTIONAL PROVISIONS INVOLVED

The First Amendment to the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The Fourth Amendment provides that "[t]he right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .".

The Sixth Amendment provides that "[i]n all criminal prosecutions, the accused shall have the right . . . to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."

The Seventh Amendment provides that "[i]n suits at common law, where the value is controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law."

The Eighth Amendment provides that "Excessive bail shall not be required . . . nor cruel and unusual punishments inflicted."

The Thirteenth Amendment provides that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States . . ."

The Fourteenth Amendment provides that " . . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Nicholas Morgan Woodward is now 7 years-old. He was born on March 25, 1987, in Santa Barbara, California. Marge Lorton is the mother. Jim Woodward is the father.

Appellant alleges that Nicholas now qualifies as a Missing and Exploited child.

Jim Woodward alleges that on or about Thanksgiving 1987, Appellee Virginia Dibble Hoyt threatened to usurp custody and control of Nicholas (then 8 months-old) in event something dreadful happened to Margene.

For example, in her 1988 report to the court, appellee Joyce Lunt wrote ". . .

From 1983 there were many trips to Central America. During the time of travel there was one life-threatening incident when she [Margene] was shot in January 1985 while . . . in Nicaragua."

Jim further alleges that in April 1988 that Margene Lorton claimed that she may need to move to Canada to avoid prosecution by the United States State Department for alleged anti-war or anti-American activities in Nicaragua.

Information published in the World Almanac and Book of Facts, 1989, tends to support the concerns expressed by Margene. "The Center for Constitutional Rights . . . revealed, Jan. 27, 1988, that the Federal Bureau of Investigation had kept under surveillance a number of organizations that had been critical of Reagan administration policies in Central America . . .".

In effect, Jim Woodward is alleging that Marge Lorton employed two attorneys as "hired-guns" to legally blow-away Nicholas' father (something they can view as being far less dramatic than the Waco shot-out).

Excerpts from the July 13, 1989 declaration filed by Lucia Tebbe read:

4. There are complex issues as set out in reports by two psychologists, each of whom will be expected to testify. Each party will also be testifying. In addition, [appellee] anticipates calling two or three other witnesses.

5. All of the above will necessitate a 3-4 hour hearing . . ."

January 19, 1984, Leon Lunt, husband of psychologist Joyce Lunt, wrote a letter to the court that reads: " . . . Mr. Hier . . . was given unlimited time to make numerous false, unsubstantiated statements. . . .

I was not permitted to show any legal documentation which would refute beyond doubt the statements made by Mr. Hier. This documentation would also clearly substantiate that Mr. Hier had knowingly perjured himself on numerous occasions. . . . As a tax payer and a supporter of the American judicial system, I can not condone [the judge pro-tem] being utilized in any further judicial hearings. . . ."

The presiding Judge, appellee Joseph Lodge responded with: ". . . I'm sorry your experience was such an unpleasant one. We are now in the process of phasing out the pro-tem program . . ."

May 1, 1989, appellee Chip Oxton obtained a judgment by default by Court, unlawful detainer in the amount of $7,076. Chip Oxton knew, or had good reason to know, that Jim was represented by a lawyer.

A letter dated March 1, 1989 and addressed to Lucia Tebbe clearly states that: ". . . In my absence Peter Eastman has been given several power of attornies to respond to any pending legal matters."

Peter's declaration filed November 17, 1989 reads: "Also false, to my knowledge, is the assertion about service of the unlawful detainer action that resulted in Mr. Woodward 's expulsion from the property where Nick and Ms. Lorton live. . . . I visited frequently while he was gone. The summons and complaint were <u>not</u> posted, or if they were, were removed . . . Also, the $500 a month rental value is absurd . . ."

Joyce Lunt recommended that Margene take legal action to remove Jim Woodward from her property and Judge Lodge is the same person who signed the $7,076 Judgment.

The results appellees achieved in the Lorton v. Woodward matter are highly predictable given Mom's House, Dad's House, by Doctor Isolina Ricci (1980). She wrote:

"The adversary process forces people to choose sides. The idea --- however disguised --- is to compete and win . . . One judge described the disastrous results as 'an officially required sadistic trip, often contributing to and even magnifying the problems already burdening the family, leaving them in an even greater state of conflict and hostility' (page 151).

[One] parent may set up housekeeping and file for sole custody. While this is an extreme reaction, such off-the-wall behavior is child snatching, and even the fear of it can put an enormous strain on a relationship . . ." (page 153).

January 30, 1993 the Office of Disability and International Operations, Social Security Administration issued an Award Certificate. An Administrative Law Judge made a decision that " . . . it has been established that [Jim Woodward's] disability began on May 25, 1988 . . .".

On May 25, 1988, Lucia Tebbe filed for and won sole legal and physical custody of Nicholas Woodward allegedly using false or manipulated information or evidence. (e.g., "He (Jim) has made various threats . . . which have included physical violence to me and kidnapping our son . . . I have seen the hate and anger which is terrifying").

Appellant claims that appellees' declaration is a vivid example of guilty mind denial --- projection of blame; and Leon Lunt's letter demonstrates one ploy used to terrify and disable Jim Woodward.

On September 13, 1993, the State of California Commission on Judicial Performance publicly reproved the honorable James M. Slater for the following conduct:

"On April 21, 1993, Judge Slater returned to the Santa Barbara courthouse parking lot . . . to find a van parked in his reserved parking space . . . he deflated the right front tier of the van. The van in question belonged to a handicapped person.

Judge Slater has offered that he was upset about previous incidents in which his parking space had been usurped, and about a previous vandalism of his automobile . . .

. . . the Santa Barbara County District Attorney issued a report concluding that Judge Slater had engaged in unjustified tampering . . . but stating that the matter would not be prosecuted."

"The commission noted that the judge's conduct had led to extensive negative publicity tending to diminish public confidence in the judiciary and bring the judiciary into disrepute . . ."

The public reproval was issued with the consent of Judge James M. Slater.

Joyce Lunt, or someone working on her behalf, can lodge a secret report with the commission alleging judicial child abuse. (e.g., a letter published in U.S. News & World Report written by Doctor Elizabeth Morgan, M.D. proffers that: "The judges' 'therapy,' if done by a therapist, would constitute malpractice.") Thereby covertly "psychologically black-mailing" the judge.

In fact, Jim Woodward has claimed that he was "psychologically black-mailed" into submitting to Joyce Lunt's "toxic" "psycho-educational-evaluative" process.

On July 11, 1988, Joyce Lunt wrote: ". . . (2) you (Jim Woodward) wanted to address the issue of Margene moving to Canada with Nick; (3) you wanted to have communications with Margene. I (Joyce Lunt) indicated that these "ground rules" were irrelevant to the evaluation process. The first one was a medical, not a psychological matter and the latter two appear to be matters which should be decided later; after completion of the evaluative process . . ."

In other words, rather than simply admit the truth about Jim Woodward's disability. Joyce contrived some fantasy monster . . . to win sole custody with no visitation. A result just like the Morgan case --- without having to spend one second in jail and the vainglory of making him pay this time.

A "Rapid Letter" mailed to the Department of Social Services allegedly signed by Joyce M. Lunt reads:

" . . . I am returning the request for data forms without the requested data . . . Due to my concerns about the liability associated with releasing information without a valid signature, I am reluctant to release any data I may have regarding him. Further, I noted during our telephone conversation this morning, I would not be willing to evaluate Mr. Woodward . . .".

A review of Joyce Lunt's 1988 report filed in the Lorton v. Woodward matter reveals that she intentionally and knowingly released information or data about numerous people without their knowledge or consent; and, without having a valid signature.

The declaration of Karen (Jim's sister) filed July 26, 1991 reads: "I have read the report written by someone named Joyce Lunt. I have never met this woman, nor have I ever spoken to her, and quite frankly, her report makes me angry. . . . She DID NOT DISCUSS this information with me. She did not obtain my consent to publish this information, whether correct or incorrect, in her report. I have never spoken to this woman, nor have I given her any information regarding myself . . ."

The November 17, 1989 declaration of Peter Eastman, esq., reads: ". . . the whole characterization of Mr. Woodward as some sort of undesirable creature who not only is likely to harm Nick but also is probably an undifferentiated bad influence is completely false, and I believe Ms. Lorton and Ms. Tebbe know it to be false.

Given Justice Elliott Wilk of the New York Supreme Court or similar rationale: "I hope that Moses will come to understand that the fear of demons often cannot be dispelled without first confronting them."

June 4, 1993, appellant lodged a Notice of Removal (Lorton v. Woodward) in United States District Court, Los Angles. A petition to proceed in forma pauperis and a request for appointment of an attorney for the child (now age 7) were also lodged. Appellant claiming that Nicholas Woodward qualifies as a Missing and Exploited Child.

June 8, 1993, the United States District Court Judge wrote: "Removal inappropriate for family law matter/ not timely under 28 U.S.C. 1446(b). Rather than respond to the child abduction issue.

The notice of appeal was filed within 30 days, July 8, 1993, Lorton v. Woodward.

Then on September 1, 1993, a petition short titled Woodward v. Superior Court was lodged in United States District Court.

September 1, 1993 the court wrote: "Question about indigency. [L]etterhead on complaint indicates [appellant] apparently is with a business called 'Woodward Research Associates.' Declaration from [appellant] says he was last employed in 1987 and has received no money from business, profession or from self-employment. [Appellant] needs to explain." Both the "Patently frivolous" and the "No federal jurisdiction" reason(s) were left blank. An X was placed by "Other:" with the word "Abstention" hand written.

The notice of appeal by appellant was filed within 30 days, October 1, 1993.

The United States Court of Appeals For the Ninth Circuit combined both legal

matters (Lorton v. Woodward and Woodward v. Superior Court, et al.) and filed its Order on March 11, 1994 (see App. 1).

REASONS FOR GRANTING

I. A WRIT OF CERTIORARI SHOULD ISSUE BECAUSE, IN AFFIRMING THE DENIAL OF APPELLANT'S PETITION FOR APPOINTMENT OF COUNSEL FOR THE CHILD, THE COURT OF APPEALS RENDERED AN OPINION IN CONFLICT WITH ROE v. CONN 417 F.SUPP. 769 AND J. L. v. PARHAM 412 F.SUPP. 112.

In Row v. Conn, 417 F.Supp. 769 the court addressed the constitutional interests at stake were various aspects of family life are threatened and concluded that there is a fundamental right to family integrity protected by the Fourteenth Amendment to the United States Constitution.

"To determine the nature of the procedural safeguards that the Constitution mandates, the administrative needs of the

State must be carefully balanced against the interests of the affected citizens. There is no question that the family members will suffer a grievous loss if the State severs the parent-child relationship; an interest, we have held, that is part of the liberty concept of the Fourteenth Amendment . . ."

"*Appointment of Counsel for the Child*: [Appellant] maintains that the [California] child custody procedure violated the due process clause of the Constitution because that procedure [did] not provide for the appointment of independent counsel to represent a child in a neglect [or alleged Missing and Exploited child] proceeding, and none was appointed here. We agree . . ."

In J. L. v. Parham 412 F.Supp. 112. the court addressed the issue of liberty and due process. It wrote: "Like O'Connor v. Donaldson, 422 U.S. 563, 95 S.Ct. 2486,

45 L.Ed.2d 395, (1975), and the question therein posed and answered, this case raises the most important question of every child's constitutional right to liberty, not only the liberty that includes freedom from bodily restraint, Meyer v. Nebraska, 262 U.S. 390, 43 S.Ct. 625, 67 L.Ed.2d. 1042, 1045 (1922), but also the liberty that includes the freedom of an ordinary, every-day child in these United States of America --- the freedom to live with mothers, fathers, brothers and sisters in whatever the family abode may be; the freedom to be loved and to be spanked; the freedom to go in and out the door, to run and play to laugh and cry, to fight and fuss, to stand up and fall down, to play childish games; the freedom to go to school and to frolic with school mates; the freedom to go to Sunday school and church;

the freedom to watch and listen or not to watch and listen to television; the freedom to buy candy at the corner store; the freedom to be a normal child in a normal household cared for by normal parents."

II. A WRIT OF CERTIORARI SHOULD ISSUE BECAUSE, IN AFFIRMING THE DENIAL OF APPELLANT'S PETITION FOR A REDRESS OF GRIEVANCES PROFFERED UNDER UNITED STATES CONSTITUTION, AMENDMENT ONE, THE COURT OF APPEALS RENDERED AN OPINION IN CONFLICT WITH ROE v. CONN 417 F.SUPP. 769; J. L. v. PARHAM 412 F.SUPP. 112; AND INFORMATION PUBLISHED BY THE ADMINISTRATIVE BRANCH OF GOVERNMENT ON THE ISSUE OF MISSING AND EXPLOITED CHILDREN.

The issues raised in Roe v. Conn and J. L. v. Parham are discussed above and cited here for the purpose of inclusion.

The National Center for Missing & Exploited Children published a book titled "Parental Kidnapping" that is available to the public by calling 1-800-843-5678. Excerpts from the section titled Child-Snatching Lawsuits read:

Child-snatching lawsuits (tort suits) allow victim parents and children to sue the abductor and anyone who assisted the abductor for all their suffering caused by the abduction. The persons bringing the suit may seek money damages . . . The request for substantial money damages sometimes prompts the defendants to reveal the child's location in return for an agreement to drop or settle the lawsuit against them. Child-snatching lawsuits include claims for unlawful imprisonment, custodial interference, enticement, infliction of emotional distress, outrageous conduct, and civil conspiracy . . . Child-snatching lawsuits have been successfully brought in state and federal courts." [Please note that an alleged mis-appropriation of federal Social Security health care trust funds is at issue].

III. A WRIT OF CERTIORARI SHOULD ISSUE BECAUSE, IN AFFIRMING THE DENIAL OF APPELLANT'S PETITION FOR A REDRESS OF GRIEVANCES PROFFERED UNDER UNITED STATES CONSTITUTION, AMENDMENT ONE, THE COURT OF APPEALS RENDERED AN OPINION IN CONFLICT WITH ROE v. CONN 417 F.SUPP. 769; J. L. v. PARHAM 412 F.SUPP. 112; AND SUMMARILY VALIDATED THE ALLEGED RIGHTS OF PARENTS, PROFESSIONALS OR POLITICAL INSTITUTIONS TO COMMIT OR AGGRAVATE RADICAL FAMILY OR CHILD ABUSE.

The issues raised in Roe v. Conn and J. L. v. Parham and the National Center for Missing and Exploited Children are discussed above and cited here for the purpose of inclusion.

Precept: If psychologists, attorneys, judges and juries were perfect political machines --- we would not need the Supreme Court of the United States. For better or worse, we are human-beings. Not machines!

Simply stated, we are perfectly imperfect and imperfectly perfect under the rules of nature and common law.

One rationale used by psychologists or attorneys to have pseudo criminal trials in alleged child abuse cases is given in "Betrayal of Innocence" by Susan Forward and Graig Buck (1979). ". . . Legal action should be aimed, whenever possible, at reuniting the family by directing both victim and aggressor to enter treatment, and by suggesting that the silent partner join them. . . . Society is best served by minimizing the victim's guilt over being responsible for sending a parent to prison -- so that he or she is less likely to drift into antisocial behavior; by eliminating the expense of unnecessary incarceration; and by eliminating the expense of supporting the aggressor's family through welfare. The imposition of appropriate sentencing must be dictated by society's needs, not its rage."

While appellant is not opposed to the appropriate treatment of psychological or medical disease. The exclusive reliance upon one person (with an admitted bias toward women's issues) can rapidly lead to the wrong result for the wrong reasons.

In reality, psychologists can and do project their past injuries upon their clients. For example, in mother-son incest cases, the female therapist may identify with the aggressor unconsciously, becoming subtly hostile and accusatory toward the victims. Male therapists may identify with the victims, unconsciously reliving their own abuse conflicts and tending to avoid dealing with the topic, as Susan Forward did when she first ran into incest cases.

In reality, this is one pattern of legal and psychological abuse allegedly inflicted upon Nicholas and Jim Woodward.

At issue is our personal, parental, professional and political accountability; where each of us avoid or accept responsibility to reflect upon the consequences of our conduct and how it effects ourselves, others and our shared environment.

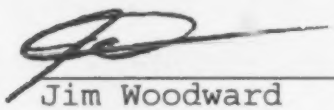
In a nut-shell, that's what appellant's petition for a redress of grievances proffered under United States Constitution, Amendment One, is about.

The Supreme Court of the United States being a legitimate instrument of government qualifies it as a place citizens go to file a petition that proffers alleged violations of a child's, citizen's or families Constitutional privileges, rights, immunities or limitations in search of truth, justice and the value of all human life.

CONCLUSION

For the foregoing reasons, appellant, Jim Woodward respectfully requests that this Court grant his petition for the issuance of a writ of certiorari.

Respectfully submitted,



Jim Woodward

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARGENE LORTON, *Plaintiff-Appellee,* v. JIM WOODWARD, *Defendant-Appellant.*	) No. 93-56106)) DC# CV-93-03255-R) Central California) (Los Angles))
JIM WOODWARD, *Plaintiff-Appellant,* v. SUPERIOR COURT OF THE STATE OF CALIFORNIA, et al., *Defendant-Appellees*	) No. 93-56475) DC# CV-93-05358) Central California) (Los Angles)) ORDER

Filed: March 11, 1994

Before: FLETCHER, BRUNETTI and TROTT, Circuit Judges.

The district court's order denying leave to proceed in forma pauperis are summarily affirmed. See O'Loughlin v. Doe, 920, F.2d 614, 616 (9th Cir. 1990) (affirming denial of leave to proceed in forma pauperis where complaint is frivolous or lacking in federal jurisdiction).

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in these closed dockets.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARGENE LORTON, *Plaintiff-Appellee,* v. JIM WOODWARD, *Defendant-Appellant.*	) DC# CV-93-03255-R) Central California) (Los Angles))) ORDER RE LEAVE) TO FILE ACTION) WITHOUT PREPAYMENT) OF FEES

IT IS HEREBY RECOMMENDED that the application of plaintiff or petitioner to file the action without prepayment of the filing fee be DENIED for the following reason(s):

__X__ No federal jurisdiction -- Removal inapproprate for family law matter/ not timely under 28 U.S.C. 1446(b)

DATED: 6/7/93 Ed Edwards
UNITED STATES MAGISTRATE JUDGE

IT IS ORDERED that the application of plaintiff or petitioner to file the action without prepayment of the filing fee is DENIED (See note above).

DATED: JUN -8 1993 REAL
UNITED STATES DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JIM WOODWARD, *Plaintiff,*	) DC# CV-93-05358-R) Central California) (Los Angles)
v.	)
SUPERIOR COURT, *Defendant.*	) ORDER RE LEAVE) TO FILE ACTION) WITHOUT PREPAYMENT) OF FEES

IT IS HEREBY RECOMMENDED that the application of plaintiff or petitioner to file the action without prepayment of the filing fee be DENIED for the following reason(s):

_____ ~~Inadequate showing of~~ Question about indigency[1]

_____ Patently frivolous

_____ No federal jurisdiction

__X__ Other: Abstention

[1] Letterhead on complaint indicates plaintiff apparently is with a business called "Woodward Rearch Associates." Declaration from plaintiff says he was last employed in 1987 and has no money from business, profession or self-employment. Plaintiff needs to explain.

DATED: 9/1/93 Carolyn Flecher?
UNITED STATES MAGISTRATE JUDGE

IT IS ORDERED that the application of plaintiff or petitioner to file the action without prepayment of the filing fee is DENIED (See note above).

DATED: Sept. 2, 1993 REAL
UNITED STATES DISTRICT COURT JUDGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

MARGENE LORTON, *Plaintiff,*	)	
	)	CASE NO. 171872
vs.	)	
	)	CLARIFICATION OF
JIM WOODWARD, *Defendant.*	)	CUSTODY ORDERS

As set out in the order of this court dated June 24, 1988 and October 12, 1989, sole legal and physical custody of the minor, Nicholas Woodward, (born March 25, 1987) has been awarded to plaintiff Margene Lorton. Defendant Jim Woodward by the order of January 31, 1990 has no rights of visitation or custody.

Date: Aug. 16, 1991 GORDON
JUDGE OF THE SUPERIOR COURT